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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,213	03/24/2006	Paul Haslauer	U 015914-2	4499
140	7590	01/16/2008		
LADAS & PARRY 26 WEST 61ST STREET NEW YORK, NY 10023			EXAMINER PAPAPIETRO, JACQUELINE M	
			ART UNIT 3739	PAPER NUMBER
			MAIL DATE 01/16/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/551,213

Applicant(s)

HASLAUER, PAUL

Examiner

Jacqueline Papapietro

Art Unit

3739

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The language used throughout the claims is not clear. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

For example, the phrase "in a method stimulating a human body in a warm or hot air booth with a cold medium, the improvements characterized by..." is unclear and improper English. Claim 2 recites the limitation "interrupting the by circulating," which also is unclear. Applicant is advised to carefully review all of the claims and make sure the language is clear and proper.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 6, 8 and 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Gerdes (US 1564552).

Regarding claims 1-3, Gerdes discloses stimulating a human body in a warm or hot air booth (chamber, Fig 1) with a cold medium (cool air), the improvements characterized by circulating air in the booth on a ceiling side thereof (via fan 14) and introducing the cold medium into the booth at the ceiling side (page 2 lines 42-48), and periodically interrupting the circulating (page 2 lines 55-59), wherein the introducing is in the region of the circulating (see Fig 1).

Regarding claim 6, Gerdes discloses the method according to claims 1 and 3 further comprising heating the booth on a bottom side (heat source 16 on the bottom of the walls).

Regarding claim 8, Gerdes discloses the method as described above, wherein fresh air is guided into the booth through a pipe (13, Fig 1).

Regarding claims 17-20, Gerdes discloses the method according to claim 1, wherein the introducing fluctuates a thermal course for the human body in the booth at intervals (page 2 lines 55-63); wherein the circulating is turned on for intensive thermal stimulus of the human body in the booth and, after an interval or during the intervals, turned off so that temperature will return to normal (inherent in the normal use of the device). The language of the claims is broad enough to include the method as disclosed

by Gerdes. The term "interval" is sufficiently broad to include any period of time, since it has not been defined.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 4, 9 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerdes as applied to claims 1-3 above, and further in view of Haslauer (EP 943308).

Gerdes discloses the method with the steps and features as described above, wherein the air circulating comprises rotating a rotor (page 2 lines 1-5) covered by an ejector disk (fan elements 14, see Fig. 1) for the introducing of the cold medium outwardly therefrom. Gerdes does not disclose the cold medium being in the form of snow, ice flakes, or granular ice cubes. Haslauer teaches a method for stimulating the body by using ice granules. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Gerdes by using ice granules as the cold medium to stimulate the body, as taught by Haslauer, in order to quickly cool the user to a desired temperature.

Claims 5, 10 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerdes in view of Haslauer as applied to claim 4 above, and further in view of Kamada et al (US 6503060 B1).

Gerdes in view of Haslauer discloses the method as described above, but does not disclose a segment ring. Kamada teaches a segment ring (4, Fig 18) in order to shield the components of a fan (50) from a user. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Gerdes in view of Haslauer by including a segment ring, as taught by Kamada in order to increase the safety of the user.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gerdes as applied to claim 6 above, and further in view of Schloss (US 4044772).

Gerdes discloses the method as described above, but does not disclose the method wherein the heating comprises projecting a pipe from a furnace into the booth. Schloss teaches a warm air booth wherein heated air is introduced into the booth (13) through a pipe (duct 27, Fig 1) from a furnace (heating element 24). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method Gerdes by using a pipe to introduce heated air from a furnace into the booth, as taught by Schloss, in order to heat the booth while supplying air to the user.

Claims 12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerdes in view of Haslauer in view of Kamada et al as applied to claim 10 above, and further in view of Schloss (US 4044772).

Gerdes in view of Haslauer in view of Kamada discloses the method as described above, but does not disclose the method wherein the heating comprises projecting a pipe from a furnace into the booth. Schloss teaches a warm air booth wherein heated air is introduced into the booth (13) through a pipe (duct 27, Fig 1) from a furnace (heating element 24). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method Gerdes in view of Haslauer in view of Kamada by using a pipe to introduce heated air from a furnace into the booth, as taught by Schloss, in order to heat the booth while supplying air to the user.

Claims 11 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerdes in view of Haslauer as applied to claim 9 above, and further in view of Schloss.

Gerdes in view of Haslauer discloses the method according to claim 9, as described above, characterized by guiding fresh air into the booth through a pipe (Gerdes Fig 1), but does not disclose the method wherein the heating comprises projecting a pipe from a furnace into the booth. Schloss teaches a warm air booth wherein heated air is introduced into the booth (13) through a pipe (duct 27, Fig 1) from a furnace (heating element 24). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method Gerdes in view of Haslauer by using a pipe to introduce heated air from a furnace into the booth, as taught by Schloss, in order to heat the booth while supplying air to the user.

Response to Arguments

Applicant should submit an argument under the heading "Remarks" pointing out disagreements with the examiner's contentions. Applicant must also discuss the references applied against the claims, explaining how the claims avoid the references or distinguish from them.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacqueline Papapietro whose telephone number is (571) 272-1546. The examiner can normally be reached on M-F 8am-4:30pm.

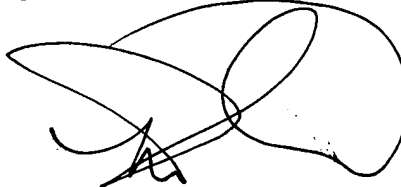
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda Dvorak can be reached on (571) 272-4764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Jacqueline Papapietro
Art Unit 3739



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